Case 12-37060-tmb7 Doc 2 Filed 09/13/12

B22A (Official Form 22A) (Chapter 7) (12/08)

In re		According to the information required to be entered on this statement (check one box as directed in Part I, III, or VI of this statement):
Case Number:	(If known)	☐ The presumption arises. ☐ The presumption does not arise. ☐ The presumption is temporarily inapplicable.

CHAPTER 7 STATEMENT OF CURRENT MONTHLY INCOME AND MEANS-TEST CALCULATION

In addition to Schedules I and J, this statement must be completed by every individual chapter 7 debtor, whether or not filing jointly. Unless the exclusion in Line 1C applies, joint debtors may complete a single statement. If the exclusion in Line 1C applies, each joint filer must complete a separate statement.

	Part I. MILITARY AND NON-CONSUMER DEBTORS
	Disabled Veterans. If you are a disabled veteran described in the Declaration in this Part IA, (1) check the box at the beginning of the Declaration, (2) check the box for "The presumption does not arise" at the top of this statement, and (3) complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.
1A	Declaration of Disabled Veteran. By checking this box, I declare under penalty of perjury that I am a disabled veteran (as defined in 38 U.S.C. § 3741(1)) whose indebtedness occurred primarily during a period in which I was on active duty (as defined in 10 U.S.C. § 101(d)(1)) or while I was performing a homeland defense activity (as defined in 32 U.S.C. §901(1)).
1B	Non-consumer Debtors. If your debts are not primarily consumer debts, check the box below and complete the verification in Part VIII. Do not complete any of the remaining parts of this statement.
	☐ Declaration of non-consumer debts. By checking this box, I declare that my debts are not primarily consumer debts.
	Reservists and National Guard Members; active duty or homeland defense activity. Members of a reserve component of the Armed Forces and members of the National Guard who were called to active duty (as defined in 10 U.S.C. § 101(d)(1)) after September 11, 2001, for a period of at least 90 days, or who have performed homeland defense activity (as defined in 32 U.S.C. § 901(1)) for a period of at least 90 days, are excluded from all forms of means testing during the time of active duty or homeland defense activity and for 540 days thereafter (the "exclusion period"). If you qualify for this temporary exclusion, (1) check the appropriate boxes and complete any required information in the Declaration of Reservists and National Guard Members below, (2) check the box for "The presumption is temporarily inapplicable" at the top of this statement, and (3) complete the verification in Part VIII. During your exclusion period you are not required to complete the balance of this form, but you must complete the form no later than 14 days after the date on which your exclusion period ends, unless the time for filing a motion raising the means test presumption expires in your case before your exclusion period ends.
1C	Declaration of Reservists and National Guard Members. By checking this box and making the appropriate entries below, I declare that I am eligible for a temporary exclusion from means testing because, as a member of a reserve component of the Armed Forces or the National Guard
	a. I was called to active duty after September 11, 2001, for a period of at least 90 days and I remain on active duty /or/ I was released from active duty on, which is less than 540 days before this bankruptcy case was filed; OR
	b. I am performing homeland defense activity for a period of at least 90 days /or/ I performed homeland defense activity for a period of at least 90 days, terminating on , which is less than 540 days before this bankruptcy case was filed.

	Pa	rt II. CALCULATION OF MONTHL	Y INCOME FOR § 707(b)	(7) I	EXCLUSIO	N		
	Marita	arital/filing status. Check the box that applies and complete the balance of this part of this statement as directed.						
	a. 🔲 U	Unmarried. Complete only Column A ("Debtor						
2	b. Married, not filing jointly, with declaration of separate households. By checking this box, debtor declares under penalty of perjury: "My spouse and I are legally separated under applicable non-bankruptcy law or my spouse an are living apart other than for the purpose of evading the requirements of § 707(b)(2)(A) of the Bankruptcy Code Complete only Column A ("Debtor's Income") for Lines 3-11.							
	c. Married, not filing jointly, without the declaration of separate households set out in Line 2.b above. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.							
	d. Married, filing jointly. Complete both Column A ("Debtor's Income") and Column B ("Spouse's Income") for Lines 3-11.							
	All figures must reflect average monthly income received from all sources, derived during the six calendar months prior to filing the bankruptcy case, ending on the last day of the month before the filing. If the amount of monthly income varied during the six months, you must divide the six-month total by six, and enter the result on the appropriate line. Column B Spouse's Income							
3	Gross	wages, salary, tips, bonuses, overtime, commis	ssions.		\$	\$		
4	Income from the operation of a business, profession or farm. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 4. If you operate more than one business, profession or farm, enter aggregate numbers and provide details on an attachment. Do not enter a number less than zero. Do not include any part of the business expenses entered on Line b as a deduction in Part V.							
7	a.	Gross receipts	\$					
	b.	Ordinary and necessary business expenses	\$					
	c.	Business income	Subtract Line b from Line a		\$	\$		
	Rent and other real property income. Subtract Line b from Line a and enter the difference in the appropriate column(s) of Line 5. Do not enter a number less than zero. Do not include any part of the operating expenses entered on Line b as a deduction in Part V.							
5	a.	Gross receipts	\$					
	b.	Ordinary and necessary operating expenses	\$					
	c.	Rent and other real property income	Subtract Line b from Line a		\$	\$		
6	Intere	st, dividends and royalties.			\$	\$		
7	Pensio	on and retirement income.			\$	\$		
8	Any amounts paid by another person or entity, on a regular basis, for the household expenses of the debtor or the debtor's dependents, including child support paid for tha purpose. Do not include alimony or separate maintenance payments or amounts paid by your spouse if Column B is completed.					\$		
9	Unemployment compensation. Enter the amount in the appropriate column(s) of Line 9. However, if you contend that unemployment compensation received by you or your spouse was a benefit under the Social Security Act, do not list the amount of such compensation in Column A or B, but instead state the amount in the space below: Unemployment compensation claimed to			\$				
		penefit under the Social Security Act Debtor \$_	Spouse \$		¢	¢		

10	alimony Security	your spouse if Column B is completed, but include all other pay or separate maintenance. Do not include any benefits received Act or payments received as a victim of a war crime, crime against international or domestic terrorism.			
	a.		\$		
	b.		\$		
	Total a	and enter on Line 10		\$ \$	
11		of Current Monthly Income for § 707(b)(7). Add Lines 3 thrucolumn B is completed, add Lines 3 through 10 in Column B. Er		\$ \$	
12	Line 11,	urrent Monthly Income for § 707(b)(7). If Column B has been Column A to Line 11, Column B, and enter the total. If Column ed, enter the amount from Line 11, Column A.	*	\$	

	Part III. APPLICATION OF § 707(b)(7) EXCLUSION					
13	Annualized Current Monthly Income for § 707(b)(7). Multiply the amount from Line 12 by the number 12 and enter the result.	\$				
14	Applicable median family income. Enter the median family income for the applicable state and household size. (This information is available by family size at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)					
	a. Enter debtor's state of residence: b. Enter debtor's household size:	\$				
	Application of Section 707(b)(7). Check the applicable box and proceed as directed. The amount on Line 13 is less than or equal to the amount on Line 14. Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete Part VIII; do not complete Parts IV, V, VI or VII. The amount on Line 13 is more than the amount on Line 14. Complete the remaining parts of this statement.					
15						

Complete Parts IV, V, VI, and VII of this statement only if required. (See Line 15.)

	Part IV. CALCULATION OF CURRENT MONTHLY INCOME FOR § 707(b)(2)					
16 Enter the amount from Line 12.			\$			
Marital adjustment. If you checked the box at Line 2.c, enter on Line 17 the total of any income listed in Line 11, Column B that was NOT paid on a regular basis for the household expenses of the debtor or the debtor's dependents. Specify in the lines below the basis for excluding the Column B income (such as payment of the spouse's tax liability or the spouse's support of persons other than the debtor or the debtor's dependents) and the amount of income devoted to each purpose. If necessary, list additional adjustments on a separate page. If you did not check box at Line 2.c, enter zero.						
	a.		\$			
	b.		\$			
	c.		\$			
	Total and enter on Line 17.					
18	18 Current monthly income for § 707(b)(2). Subtract Line 17 from Line 16 and enter the result.					
	Part V. CALCULATION OF DEDUCTIONS FROM INCOME					
	Subpart A: Deductions under Standards of the Internal Revenue Service (IRS)					
19A	B. B				\$	

the clerk of the bankruptcy court.)

\$

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23	Local Standards: transportation ownership/lease expense; Vehicle 1. Check the number of vehicles for which you claim an ownership/lease expense. (You may not claim an ownership/lease expense for more than two vehicles.) 1 2 or more. Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 1, as stated in Line 42; subtract Line b from Line a and enter the result in Line 23. Do not enter an amount less than zero.				
	a.	IRS Transportation Standards, Ownership Costs Average Monthly Payment for any debts secured by Vehicle 1,	\$		
		as stated in Line 42	\$		
	c.	Net ownership/lease expense for Vehicle 1	Subtract Line b from Line a.	\$	
24	Local Standards: transportation ownership/lease expense; Vehicle 2. Complete this Line only if you checked the "2 or more" Box in Line 23. Enter, in Line a below, the "Ownership Costs" for "One Car" from the IRS Local Standards: Transportation (available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court); enter in Line b the total of the Average Monthly Payments for any debts secured by Vehicle 2, as stated in Line 42; subtract Line b from Line a and enter the result in Line 24. Do not enter an amount less than zero.				
	a.	IRS Transportation Standards, Ownership Costs	\$		
	b.	Average Monthly Payment for any debts secured by Vehicle 2, as stated in Line 42	\$		
	c.	Net ownership/lease expense for Vehicle 2	Subtract Line b from Line a.	\$	
25	Other Necessary Expenses: taxes. Enter the total average monthly expense that you actually incur for all federal, state and local taxes, other than real estate and sales taxes, such as income taxes, self-employment taxes, social-security taxes, and Medicare taxes. Do not include real estate or sales taxes.			\$	
26	uniform costs. Do not include discretionary amounts such as voluntary 401(k) contributions			\$	
27	Other Necessary Expenses: life insurance. Enter total average monthly premiums that you actually pay for term life insurance for yourself. Do not include premiums for insurance on your dependents, for whole life or for any other form of insurance.			\$	
28	Other Necessary Expenses: court-ordered payments. Enter the total monthly amount that you are			\$	
29	employment and for education that is required for a physically or mentally challenged dependent child for			\$	
30	Other Necessary Expenses: childcare. Enter the total average monthly amount that you actually expend on childcare—such as baby-sitting, day care, nursery and preschool. Do not include other educational payments.			\$	
31	Other Necessary Expenses: health care. Enter the total average monthly amount that you actually expend on health care that is required for the health and welfare of yourself or your dependents, that is not reimbursed by insurance or paid by a health savings account, and that is in excess of the amount entered in			\$	
32	Other Necessary Expenses: telecommunication services. Enter the total average monthly amount that you actually pay for telecommunication services other than your basic home telephone and cell phone service—such as pagers, call waiting, caller id, special long distance, or internet service—to the extent necessary for			\$	
33	Total	Expenses Allowed under IRS Standards. Enter the total of Lines	19 through 32	S	

		Subpart B: Additional Living Expe	nse Deductions		
		Note: Do not include any expenses that you h	nave listed in Lines 19-32		
	Health Insurance, Disability Insurance, and Health Savings Account Expenses. List the monthly expenses in the categories set out in lines a-c below that are reasonably necessary for yourself, your spouse, or your dependents.				
	a.	Health Insurance	\$		
34	b.	Disability Insurance	\$		
	c.	Health Savings Account	\$		
		d enter on Line 34 o not actually expend this total amount, state your actual totalow:	al average monthly expenditures in the	\$	
35	elderly, chronically ill, or disabled member of your household or member of your immediate family who is			\$	
36	Protection against family violence. Enter the total average reasonably necessary monthly expenses that you actually incurred to maintain the safety of your family under the Family Violence Prevention and Services Act or other applicable federal law. The nature of these expenses is required to be kept confidential by the court.			\$	
37	Home energy costs. Enter the total average monthly amount, in excess of the allowance specified by IRS Local Standards for Housing and Utilities, that you actually expend for home energy costs. You must provide your case trustee with documentation of your actual expenses, and you must demonstrate that the additional amount claimed is reasonable and necessary.				
38	Education expenses for dependent children less than 18. Enter the total average monthly expenses that you actually incur, not to exceed \$137.50 per child, for attendance at a private or public elementary or secondary school by your dependent children less than 18 years of age. You must provide your case trustee with documentation of your actual expenses, and you must explain why the amount claimed is reasonable and necessary and not already accounted for in the IRS Standards.			\$	
39	Additional food and clothing expense. Enter the total average monthly amount by which your food and clothing expenses exceed the combined allowances for food and clothing (apparel and services) in the IRS National Standards, not to exceed 5% of those combined allowances. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.) You must demonstrate that the additional			\$	
40		red charitable contributions. Enter the amount that you will continuous instruments to a charitable organization as defined in 2		\$	
41	Total Ac	dditional Expense Deductions under § 707(b). Enter the total	of Lines 34 through 40	\$	

			Subpart C: Deductions for	Debt Paymen	t		
	Future payments on secured claims. For each of your debts that is secured by an interest in property that you own, list the name of the creditor, identify the property securing the debt, state the Average Monthly Payment, and check whether the payment includes taxes or insurance. The Average Monthly Payment is the total of all amounts scheduled as contractually due to each Secured Creditor in the 60 months following the filing of the bankruptcy case, divided by 60. If necessary, list additional entries on a separate page. Enter the total of the Average Monthly Payments on Line 42.						
42		Name of Creditor	Property Securing the Debt	Average Monthly Payment	Does payment include taxes or insurance?		
	a.			\$	□ yes □ no	7	
	b.			\$	□ yes □ no		
	c.			\$	□ yes □ no		
				Total: Add Lines a, b and	c.		\$
43	Other payments on secured claims. If any of debts listed in Line 42 are secured by your primary residence, a motor vehicle, or other property necessary for your support or the support of your dependents, you may include in your deduction 1/60th of any amount (the "cure amount") that you must pay the creditor in addition to the payments listed in Line 42, in order to maintain possession of the property. The cure amount would include any sums in default that must be paid in order to avoid repossession or foreclosure. List and total any such amounts in the following chart. If necessary, list additional entries on a separate page. Name of Property Securing the Debt 1/60th of the Cure Amount						
73		Creditor	Troperty Seeding the Best	1,0011 01 1	ne care i inioane	İ	
	a.			\$	\$		
	b.			\$		İ	
	c.			\$		ı	
				Total: Add	Lines a, b and c		\$
44	as prio	rity tax, child suppor	priority claims. Enter the total amount t and alimony claims, for which you we rent obligations, such as those set ou	vere liable at the t			\$
	Chapter 13 administrative expenses. If you are eligible to file a case under chapter 13, complete the following chart, multiply the amount in line a by the amount in line b, and enter the resulting administrative expense.						
	a.	Projected average i	monthly chapter 13 plan payment.		\$		
45	b. Current multiplier for your district as determined under schedules issued by the Executive Office for United States Trustees. (This information is available at www.usdoj.gov/ust/ or from the clerk of the bankruptcy court.)						
	c.	Average monthly a	dministrative expense of chapter 13 ca	ase	Total: Multiply Lir a and b	ies	\$
46	Total 1	Deductions for Deb	t Payment. Enter the total of Lines 42	through 45.			\$
			Subpart D: Total Deduction	s from Incom	ne		<u> </u>
47	Total o	of all deductions all	owed under § 707(b)(2). Enter the tot	al of Lines 33, 41	, and 46.		\$

	Part VI. DETERMINATION OF § 707(b)(2) PRESUMPTION					
48	Enter the amount from Line 18 (Current monthly income for \S 707(b)(2))		\$			
49	Enter the amount from Line 47 (Total of all deductions allowed under § 707(0)(2))	\$			
50	Monthly disposable income under § 707(b)(2). Subtract Line 49 from Line 48 a	nd enter the result	\$			
51	60-month disposable income under § 707(b)(2). Multiply the amount in Line 50 enter the result.	•	\$			
	Initial presumption determination. Check the applicable box and proceed as dir					
	The amount on Line 51 is less than \$6,575 Check the box for "The presumpt of this statement, and complete the verification in Part VIII. Do not complete		p of page 1			
52	The amount set forth on Line 51 is more than \$10,950. Check the box for "page 1 of this statement, and complete the verification in Part VIII. You may the remainder of Part VI.					
	The amount on Line 51 is at least \$6,575, but not more than \$10,950. Computer through 55).	plete the remainder of Part	VI (Lines 53			
53	Enter the amount of your total non-priority unsecured debt		\$			
54	Threshold debt payment amount. Multiply the amount in Line 53 by the number	r 0.25 and enter the result.	\$			
	Secondary presumption determination. Check the applicable box and proceed a	s directed.				
55	☐ The amount on Line 51 is less than the amount on Line 54. Check the box for "The presumption does not arise" at the top of page 1 of this statement, and complete the verification in Part VIII.					
	The amount on Line 51 is equal to or greater than the amount on Line 54. Check the box for "The presumption arises" at the top of page 1 of this statement, and complete the verification in Part VIII. You may also complete Part VII.					
	Part VII: ADDITIONAL EXPENSE CLA	IMS				
	Other Expenses. List and describe any monthly expenses, not otherwise stated in and welfare of you and your family and that you contend should be an additional cincome under § 707(b)(2)(A)(ii)(I). If necessary, list additional sources on a separaverage monthly expense for each item. Total the expenses.	leduction from your current	monthly			
56	Expense Description	Monthly Amount				
	a.	\$				
	b. c.	\$ \$				
	Total: Add Lines a, b and c	\$				
Part VIII: VERIFICATION						
	I declare under penalty of perjury that the information provided in this statement is true and correct. (If this is a joint case, both debtors must sign.)					
57	Date: Signature:					
		(Debtor)				
	Date: Signature:	(Joint Debtor, if any)				
		. , , , , , , , , , , , , , , , , , , ,				